



1644
JFW

ATTORNEY DOCKET NO. CFBF-P04-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wagner, et al. Examiner: P. Gambel
Serial No.: 09/883,642 Art Unit: 1644
Filing Date: June 18, 2001
For: METHODS FOR TREATING AND PREVENTING ATHEROSCLEROSIS

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA, 22313-1450 on August 23, 2004.


Patricia McKenney

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

:RESPONSE TO RESTRICTION REQUIREMENT

Dear Sirs:

This is in response to the Office Action of July 27, 2004, in the above-identified patent application.

REMARKS

In the Office Action of July 27, 2004, claims 39-52, 61-68, 71-73 and 76-79 have been subject to restriction under 35 U.S.C. § 121. In the restriction requirement, the Examiner states that the claims can be interpreted to read on antibodies that bind to P-selectin, as well as

antibodies that bind to both P-selectin and E-selectin or L-selectin. The Examiner further notes that that disclosure does not appear to support antibodies that bind to all three selectins, i.e. P-selectin, E-selectin and L-selectin. Finally, the Examiner requires that applicants elect a single disclosed species for further prosecution on the merits, and to indicate whether any pending claims are generic.

Applicants note that claim 39 is directed to methods for treating or inhibiting atherosclerosis by administering an antibody inhibiting the interaction between P-selectin and a ligand of P-selectin, and E-selectin and a ligand of E-selectin. Thus, claim 39 is generic to the remaining claims, which it is noted, are all dependent on claim 39. None of the pending claims are directed to antibodies that bind to L-selectin as asserted. Support for the present claim scope is found on page 12, lines 21-26 of the specification.

Accordingly, in view of the aforementioned remarks, and to resolve any ambiguity, applicants elect for further prosecution on the merits the invention described in claim 39 and all claims dependent thereon. It is understood that allowance of the generic claim will entitle applicants to consideration of the remaining dependent claims as well.

In view of the foregoing, prompt and favorable action on this application is respectfully requested.

Respectfully submitted,

by William Gosz
William G. Gosz
Reg. No. 27,787
Ropes & Gray
One International Place
Boston, MA
Attorneys for Applicant(s)
Tel. No. (617) 951-7000